



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001



SEMS DocID

621106

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY

March 5, 1995

Mr. George J. Zambouras
Commissioner of Public Works
191 Cabot Street
Beverly, MA 01915

Re: **REQUEST FOR ACCESS TO PROPERTY**
Vitali Site
Beverly, MA
MAD002577617

Dear Mr. Zambouras:

The United States Environmental Protection Agency (EPA) respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to the Vitali Site property located on L. P. Henderson Road in Beverly, Massachusetts.

EPA requests access to your property to conduct or oversee a CERCLA site evaluation. Entry to your property to conduct this activity is authorized by Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). This authorization provided by CERCLA includes access to private property in order to determine the need for response actions, to perform response actions, and to enforce CERCLA. Entry by EPA is also authorized under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6297. Under that section EPA may enter property where hazardous wastes are or have been disposed of, transported from, generated, stored, or treated in order to enforce the provisions of RCRA.

CERCLA site evaluation activities may include information-gathering to determine whether hazardous substances, pollutants, and contaminants may be, or may have been released to the environment. In addition, EPA and its representatives may drive vehicles onto the site, collect samples, take photographs, and dispose of small amounts of decontamination fluid on the property. EPA or its representatives will offer the owner or company representative(s) replicates of the samples collected if requested. Prior to leaving the property, the EPA representatives will supply the owner or company representative(s) with a receipt for samples collected on the property.



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Please signify your consent to access by signing this document in the space provided below, and return it to me at the above address (adding my mail code: HSS).

If EPA does not receive a reply within ten (10) business days of your receipt of this letter, it will become necessary for EPA to employ other means to obtain access. Such means may include issuing an administrative order or bringing an action in federal court to secure EPA's right to access.

Your cooperation in assisting with completion of CERCLA site evaluation activities is appreciated. If you have any questions regarding the activities we plan to conduct onsite, I may be contacted at (617) 573-9697. All other communications should be directed to Ms. Ruthann Sherman of the EPA New England Office of Regional Counsel at (617) 565-3666.

Sincerely,



Nancy Smith
Site Assessment Manager
Superfund Support Section
Waste Management Division

cc: Larry Cohen, Stone & Webster
Harish Panchal, MA DEP

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CONSENT FOR ACCESS TO PROPERTY

I (We), the Owner(s) of the Vitali Site property located on L. P. Henderson Road in Beverly, MA, shall permit EPA's officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives, to enter and have access to this property for the purpose of conducting a CERCLA site evaluation.

I (we) realize that these actions are undertaken under EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e) and under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6297.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse, and without threats or promises of any kind.

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____
ADDRESS: _____

PHONE NUMBER: _____

CONSENT OF ADDITIONAL OWNER(s)

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____
ADDRESS: _____

PHONE NUMBER: _____